

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN ASSEMBLY APRIL 28, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2543**

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**Introduced by Assembly Member Bonnie Lowenthal**  
(Coauthor: Senator Price)

February 19, 2010

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An act to amend Section 47607 of the Education Code, relating to charter schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2543, as amended, Bonnie Lowenthal. Charter schools: renewal.  
~~(1) The~~

*The* Charter Schools Act of 1992 authorizes the governing board of a school district, a county board of education, or the State Board of Education to grant a petition to establish a charter school according to specified procedures. The act provides that a charter may be granted for a period not to exceed 5 years. The act authorizes each of those chartering authorities to grant one or more subsequent renewals of a charter that it authorized. The act requires that each renewal be for a period of 5 years.

This bill would require a charter school to submit a renewal petition to the chartering authority no later than September 15 prior to the expiration of the charter, or by ~~a~~ *an earlier or* later date if mutually agreed upon by the chartering authority and the charter school *to accommodate local circumstances*. The bill would require the governing board of a school district or a county board of education to approve or deny a renewal petition submitted by a charter school authorized by

that board no later than December 15 prior to the expiration of the charter. The bill would require a charter school that elects to appeal the denial of its renewal application to submit the application to the county board or the state board, as applicable, within 30 days of the date of the denial.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 47607 of the Education Code is amended  
2     to read:  
3     47607. (a) (1) A charter may be granted pursuant to Sections  
4     47605, 47605.5, 47605.6, 47605.8, and 47606 for a period not to  
5     exceed five years. A charter granted by a school district governing  
6     board, a county board of education or the state board, may be  
7     granted one or more subsequent renewals by that entity. Each  
8     renewal shall be for a period of five years. A material revision of  
9     the provisions of a charter petition may be made only with the  
10    approval of the authority that granted the charter. The authority  
11    that granted the charter may inspect or observe any part of the  
12    charter school at any time.  
13    (2) Renewals and material revisions of charters are governed  
14    by the standards and criteria in Section 47605, and shall include,  
15    but not be limited to, a reasonably comprehensive description of  
16    any new requirement of charter schools enacted into law after the  
17    charter was originally granted or last renewed.  
18    (3) (A) A charter school shall submit a renewal petition to the  
19    chartering authority no later than September 15 prior to the  
20    expiration of the charter, or by ~~a~~ *an earlier or* later date if mutually  
21    agreed upon by the chartering authority and the charter school *to*  
22    *accommodate local circumstances, including delays in the release*  
23    *of Academic Performance Index (API) scores.* This paragraph does  
24    not preclude a chartering authority from establishing a charter  
25    renewal deadline prior to September 15. Existing timelines for the  
26    consideration of a charter renewal petition by a chartering authority  
27    pursuant to this section, Section 47605, or any other provision of  
28    this part shall not be affected by this paragraph.  
29    (B) The governing board of a school district or a county board  
30    of education shall approve or deny a renewal petition submitted

1 by a charter school authorized by that board no later than December  
2 15 prior to the expiration of the charter. A charter school that elects  
3 to appeal the denial of its renewal application pursuant to Section  
4 47607.5 shall submit its application to the county board or state  
5 board, as applicable, within 30 days of the date of the denial.

6 (b) Commencing on January 1, 2005, or after a charter school  
7 has been in operation for four years, whichever date occurs later,  
8 a charter school shall meet at least one of the following criteria  
9 prior to receiving a charter renewal pursuant to paragraph (1) of  
10 subdivision (a):

11 (1) Attained its ~~Academic Performance Index (API)~~ *API* growth  
12 target in the prior year or in two of the last three years, or in the  
13 aggregate for the prior three years.

14 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior  
15 year or in two of the last three years.

16 (3) Ranked in deciles 4 to 10, inclusive, on the API for a  
17 demographically comparable school in the prior year or in two of  
18 the last three years.

19 (4) (A) The entity that granted the charter determines that the  
20 academic performance of the charter school is at least equal to the  
21 academic performance of the public schools that the charter school  
22 pupils would otherwise have been required to attend, as well as  
23 the academic performance of the schools in the school district in  
24 which the charter school is located, taking into account the  
25 composition of the pupil population that is served at the charter  
26 school.

27 (B) The determination made pursuant to this paragraph shall be  
28 based upon all of the following:

29 (i) Documented and clear and convincing data.

30 (ii) Pupil achievement data from assessments, including, but  
31 not limited to, the Standardized Testing and Reporting Program  
32 established by Article 4 (commencing with Section 60640) of  
33 Chapter 5 of Part 33 for demographically similar pupil populations  
34 in the comparison schools.

35 (iii) Information submitted by the charter school.

36 (C) A chartering authority shall submit to the Superintendent  
37 copies of supporting documentation and a written summary of the  
38 basis for any determination made pursuant to this paragraph. The  
39 Superintendent shall review the materials and make  
40 recommendations to the chartering authority based on that review.

1 The review may be the basis for a recommendation made pursuant  
2 to Section 47604.5.

3 (D) A charter renewal may not be granted to a charter school  
4 prior to 30 days after that charter school submits materials pursuant  
5 to this paragraph.

6 (5) Has qualified for an alternative accountability system  
7 pursuant to subdivision (h) of Section 52052.

8 (c) A charter may be revoked by the authority that granted the  
9 charter under this chapter if the authority finds, through a showing  
10 of substantial evidence, that the charter school did any of the  
11 following:

12 (1) Committed a material violation of any of the conditions,  
13 standards, or procedures set forth in the charter.

14 (2) Failed to meet or pursue any of the pupil outcomes identified  
15 in the charter.

16 (3) Failed to meet generally accepted accounting principles, or  
17 engaged in fiscal mismanagement.

18 (4) Violated any provision of law.

19 (d) Prior to revocation, the authority that granted the charter  
20 shall notify the charter public school of any violation of this section  
21 and give the school a reasonable opportunity to remedy the  
22 violation, unless the authority determines, in writing, that the  
23 violation constitutes a severe and imminent threat to the health or  
24 safety of the pupils.

25 (e) Prior to revoking a charter for failure to remedy a violation  
26 pursuant to subdivision (d), and after expiration of the school's  
27 reasonable opportunity to remedy without successfully remedying  
28 the violation, the chartering authority shall provide a written notice  
29 of intent to revoke and notice of facts in support of revocation to  
30 the charter school. No later than 30 days after providing the notice  
31 of intent to revoke a charter, the chartering authority shall hold a  
32 public hearing, in the normal course of business, on the issue of  
33 whether evidence exists to revoke the charter. No later than 30  
34 days after the public hearing, the chartering authority shall issue  
35 a final decision to revoke or decline to revoke the charter, unless  
36 the chartering authority and the charter school agree to extend the  
37 issuance of the decision by an additional 30 days. The chartering  
38 authority shall not revoke a charter, unless it makes written factual  
39 findings supported by substantial evidence, specific to the charter  
40 school, that support its findings.

1 (f) (1) If a school district is the chartering authority and it  
2 revokes a charter pursuant to this section, the charter school may  
3 appeal the revocation to the county board of education within 30  
4 days following the final decision of the chartering authority.

5 (2) The county board may reverse the revocation decision if the  
6 county board determines that the findings made by the chartering  
7 authority under subdivision (e) are not supported by substantial  
8 evidence. The school district may appeal the reversal to the state  
9 board.

10 (3) If the county board does not issue a decision on the appeal  
11 within 90 days of receipt, or the county board upholds the  
12 revocation, the charter school may appeal the revocation to the  
13 state board.

14 (4) The state board may reverse the revocation decision if the  
15 state board determines that the findings made by the chartering  
16 authority under subdivision (e) are not supported by substantial  
17 evidence. The state board may uphold the revocation decision of  
18 the school district if the state board determines that the findings  
19 made by the chartering authority under subdivision (e) are  
20 supported by substantial evidence.

21 (g) (1) If a county office of education is the chartering authority  
22 and the county board revokes a charter pursuant to this section,  
23 the charter school may appeal the revocation to the state board  
24 within 30 days following the decision of the chartering authority.

25 (2) The state board may reverse the revocation decision if the  
26 state board determines that the findings made by the chartering  
27 authority under subdivision (e) are not supported by substantial  
28 evidence.

29 (h) If the revocation decision of the chartering authority is  
30 reversed on appeal, the agency that granted the charter shall  
31 continue to be regarded as the chartering authority.

32 (i) During the pendency of an appeal filed under this section, a  
33 charter school, whose revocation proceedings are based on  
34 paragraph (1) or (2) of subdivision (c), shall continue to qualify  
35 as a charter school for funding and for all other purposes of this  
36 part, and may continue to hold all existing grants, resources, and  
37 facilities, in order to ensure that the education of pupils enrolled  
38 in the school is not disrupted.

- 1 (j) Immediately following the decision of a county board to  
2 reverse a decision of a school district to revoke a charter, the  
3 following shall apply:
- 4 (1) The charter school shall qualify as a charter school for  
5 funding and for all other purposes of this part.
- 6 (2) The charter school may continue to hold all existing grants,  
7 resources, and facilities.
- 8 (3) Any funding, grants, resources, and facilities that had been  
9 withheld from the charter school, or that the charter school had  
10 otherwise been deprived of use, as a result of the revocation of the  
11 charter shall be immediately reinstated or returned.
- 12 (k) A final decision of a revocation or appeal of a revocation  
13 pursuant to subdivision (c) shall be reported to the chartering  
14 authority, the county board, and the department.